

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

Order No. 78-59

NPDES NO. CA0037621

AN ORDER AMENDING ORDER NO. 77-94
TO ADOPT A REVISED COMPLIANCE TIME SCHEDULES FOR

CITY OF SUNNYVALE
SANTA CLARA COUNTY

The California Regional Water Quality Control Board (hereinafter Board), San Francisco Bay Region, finds that:

1. This Board on July 19, 1977, adopted Order No. 77-94 prescribing waste discharge requirements for the City of Sunnyvale (hereinafter discharger). Order No. 77-94 contains a compliance time schedule prohibiting the present and future discharge of wastes to the waters of San Francisco Bay or its tributaries south of Dumbarton Bridge. This prohibition implements the Board's adopted Water Quality Control Plan for the San Francisco Bay Basin and the State Board Policy for Enclosed Bays and Estuaries.
2. This Board on July 19, 1977, also adopted Order No. 77-95, an Enforcement Order for Issuance of a Time Schedule, prescribing a compliance time schedule for the construction of required tertiary facilities and full compliance with discharge requirements by May 1, 1978. Order No. 77-95 expired June 1, 1978, and although construction is complete, the discharger is still not meeting effluent discharge requirements. The discharger, by letter of June 2, 1978, has requested an extension to October 15, 1978, for attaining full compliance with prescribed requirements, due to start up problems. These delays appear reasonable and beyond the control of the discharger who has acted in good faith. Section 301 (i)(1) of the Federal Water Pollution Control Act allows extensions of the 1977 statutory deadline under these circumstances.
3. The discharger and the Cities of San Jose, Santa Clara, and Palo Alto are members of the joint powers authority named the South Bay Dischargers Authority (SBDA). The SBDA is the lead agency for construction of necessary facilities, such as a joint outfall north of Dumbarton Bridge for all three member agencies and is preparing an Environmental Impact Statement (EIS) for the proposed project. The SBDA is also investigating the possibility of requesting an amendment to the Basin Plan and State Policy to allow treated wastes to be discharged to San Francisco Bay south of Dumbarton Bridge. This SBDA proposal has required lengthy and extensive water quality sampling and modelling which has delayed the completion and circulation of the Draft EIS. The delays are reasonable considering the magnitude of the proposed project and the potential short and long term impacts on the water quality of South San Francisco Bay.

4. The issuance of revised waste discharge requirements for this discharge is exempt from the provisions of Chapter 3 (commencing with Section 21000) of Division 13 of the Public Resources Code in accordance with Water Code Section 13389.
5. The Board has notified the discharger and interested agencies and persons of its intent to prescribe revised requirements for the discharger.
6. The Board, in a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED that the Board amends Order No. 77-94, Provision E.2.a. and E.2.b., to read as follows:

Provision E.2.a

- "a. Effluent Limitation E.2 (BOD, S.S., O&G, turb., S.M.), E.5. (tox.), E.7 (BOD, SS removal), E.8 (coll.); Receiving Water Limitations C.1.a. (float, susp., etc.), C.1.c. (temp, turb, etc.), C.2.a. (D.O.) C.2.d. (un-ionized ammonia)

<u>Task</u>	<u>Completion Date</u>	<u>Report of Compliance Due</u>
Full Compliance	October 15, 1978	October 30, 1978

..."

Provision E.2.b

- "b. Compliance with Prohibition A.1 (discharge south of Dumbarton Bridge)

<u>Task</u>	<u>Completion Date</u>	<u>Report of Compliance Due</u>
City of Sunnyvale signs Draft EIS	August 11, 1978	August 25, 1978
Issue Draft EIS	September 20, 1978	October 4, 1978

Issue Final EIS and
submit a time schedule
to comply with Prohibition A.1
If the discharger in its
Final EIR/EIS recommends
a project not in compliance
with the Basin Plan, the
discharger shall submit a
petition to the Regional
Board along with the Final

TaskCompletion DateReport of Compliance Due

EIR/EIS requesting those exceptions and/or amendments to the Basin Plan needed for the discharger's recommended project to achieve compliance. The discharger's petition shall also contain the rationale for the proposed exceptions and/or amendments either directly or by reference to the Final EIR/EIS.

March 15, 1979

March 30, 1979"

I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on July 18, 1978.

FRED H. DIERKER
Executive Officer